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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 DELMAR MOTLEY,

8 Plaintiff,

9 vs.

10 SANTANDER CONSUMER,

11 Defendant.

2:-11-CV-00455-PMP-RJJ

ORDER

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13 On August 22, 2011, the Court conducted a hearing to consider arguments
14 regarding Plaintiff's fully briefed Motions for Request for Court Order (Doc. #11),
15 Motion for Default Judgment (Doc. #15), and Defendant's fully briefed Motions to
16 Set Aside [13] Clerk's Entry of Default (Doc. #14) and Motion to Dismiss Plaintiff's
17 Complaint (Doc. #17). On September 2, 2011, Defendant filed a Supplemental
18 Reply in Support of Defendant's Motion to Dismiss Plaintiff's Complaint (Doc.
19 #29). Having read and considered the foregoing, the Court finds that Defendant's
20 Motions must be granted and Plaintiff's Motions must be denied.

21 First, there is no basis for entry of a default judgment against Defendant in
22 this case. Moreover, there is no prejudice to Plaintiff by permitting Defendant to
23 respond on the merits to Plaintiff's Complaint.

24 Additionally, the Court finds that Plaintiff's Motion for Request for Court
25 Order (Doc. #11) to be devoid of any basis to order that nonparty Department of
26 Motor Vehicles remove Defendant's name from the title to Plaintiff's automobile.

1 Finally, having now reviewed the Nevada Retail Installment Contract
2 attached to Defendant's Supplemental Reply (Doc. #29) and having considered all
3 arguments presented by the parties on the papers and at the hearing conducted
4 August 22, 2011, the Court finds that Plaintiff fails to state a cause of action under
5 Section 1692(g) of the FDCPA, nor does Plaintiff viably allege a violation of the
6 FCRA against Defendant. Moreover, the Court finds the deficiencies in Plaintiff's
7 Complaint cannot be cured by an amendment as to these particular causes of actions.

8 **IT IS THEREFORE ORDERED that** Plaintiff Delmar Motley's Motion
9 for Request for Court Order (Doc. #11) and Plaintiff's Motion for Default Judgment
10 (Doc. #15) is **DENIED**.

11 **IT IS FURTHER ORDERED that** Defendant Santander Consumer's
12 Motion to Set Aside [13] Clerk's Entry of Default (Doc. #14) is **GRANTED**.

13 **IT IS FURTHER ORDERED that** Defendant's Motion to Dismiss
14 Plaintiff's Complaint (Doc. #17) is **GRANTED**, and Plaintiff Motley's Complaint
15 (Doc. #1) is hereby **DISMISSED** with prejudice.

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17 DATED: September 7, 2011.

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20 PHILIP M. PRO
United States District Judge